

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #10	CCRB Case #: 202005478	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 07/24/2020 10:45 PM	Location of Incident: Northeast corner of Centre Street and Duane Street	Precinct: 05	18 Mo. SOL 1/24/2022	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 07/25/2020 1:02 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/05/2020 11:55 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. PO Sandra Gonzalez	14838	961793	SRG 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Vincent Pisano	18213	960113	SRG 1
2. POM Dennis Ustelimov	13541	957238	SRG 3
3. SGT Catherine Kunst	01788	943284	SRG 4
4. SGT Christine Hirtzel	01486	928810	SRG 1
5. POF Giselle Rodriguez	25639	947838	DIS CTL
6. POF Jacklyn Castillo	10531	960340	SRG 2
7. POF Debora Matias	08448	960901	SRG 1
8. PO OMARI PAUL	09716	962001	SRG 2
9. PO DUPREE JAMES	30997	954970	SRG 3
10. PO STEVEN OQUENDO	01649	950985	SRG 1
11. CPT JULIO DELGADO	00000	918927	SRG 2
12. CPT JOSEPH TAYLOR	00000	924542	SRG 1

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against an individual.	
B. PO Sandra Gonzalez	Force: Police Officer Sandra Gonzalez struck § 87(2)(b) with a baton.	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On July 25, 2020, a 911 operator called the IAB Command Center, and relayed the following complaint on behalf of § 87(2)(b) under IAB #2020-18034 (BR01). On August 5, 2020, the CCRB received this case from IAB, under IAB Log #2020-18451.

On July 24, 2020, at approximately 10:45p.m., § 87(2)(b) and a large group of individuals were participating in a Black Lives Matter protest within the vicinity of the intersection of Centre Street and Duane Street in Manhattan. While § 87(2)(b) and the group of civilians were standing behind NYPD barricades on the sidewalk and arguing with a large group of uniformed officers, he observed another group of uniformed officers attempting to move a group of civilians out the street, wherein an unidentified officer allegedly pushed an unidentified female to the ground and continue walking (**Allegation A: Force—Physical Force**, § 87(2)(g)). § 87(2)(b) approached the unidentified female to help her up off the ground, wherein Police Officer Sandra Gonzalez of Strategic Response Group 2 (“SRG 2”), allegedly struck § 87(2)(b) in the head with her baton, causing him to sustain a 5”-6” laceration across the top-center of his forehead (**Allegation B: Force—Physical Force**, § 87(2)(g)). § 87(2)(b) backed up into the crowd of protesting civilians, and shortly thereafter, took himself to § 87(2)(b) in Manhattan for medical treatment. § 87(2)(b) was neither arrested nor issued any summons as a result.

§ 87(4-b), § 87(2)(g)

The investigation obtained (92) BWC videos (BR12-BR20) from the involved officers assigned Strategic Response Groups 1, 2, and 3, and the Disorder Control Unit (BR02), which captured relevant portions of this incident, although was not dispositive to the allegations as described below.

### Findings and Recommendations

#### Allegation A—Force: An officer used physical force against § 87(2)(b)

#### Known Facts and General Descriptions

On July 25, 2020, at 1:02 a.m., a 911 operator called the IAB Command Center and relayed the following Level 2 use of force complaint, under IAB #2020-18034 (BR01). The 911 operator relayed, that at 12:52 a.m., they received a 911 call from a § 87(2)(b) medical technician, known only to the investigation as § 87(2)(b) who reported that § 87(2)(b) had appeared and stated that a few hours prior, in the vicinity of City Hall, an officer struck him in the head causing him to sustain injury. § 87(2)(b)'s 911 call is documented in EVENT #§ 87(2)(b) (BR03). § 87(2)(b) did not know or provide the subject officer's name, badge number, assigned precinct or command, or any physical description of the subject officer. The IAB Log further notes that Sergeant Jerusalem Fernandez and Captain Tommy Keung of the 13<sup>th</sup> Precinct, responded to § 87(2)(b) and interviewed § 87(2)(b) as documented in TRI § 87(2)(b) (BR04) wherein § 87(2)(b) stated that, “while protesting in Foley Square, an unknown female police officer did strike him in the head with a baton.” The TRI further reported that, § 87(2)(b) then proceeded to § 87(2)(b) to receive treatment for a laceration to the middle of his forehead and decided to call the police for proper documentation. While being interviewed by [Captain Keung], § 87(2)(b) was unable to give an exact time of the incident as well as a proper description of the female officer, only as white female. [Captain Keung] did look through Argus cameras for Foley Square and was unable to find proper video of the time period described by the subject.”

On October 9, 2020, the investigation established contact with § 87(2)(b) wherein he provided the following telephone statement to the CCRB on behalf of himself and an unidentified female individual.

§ 87(2)(b) stated (BR05) that, on July 24, 2020, at approximately 11:00 p.m., he was on his way home when he saw large crowd of individuals participating in a Black Lives Matter protest within the vicinity of Centre Street and Duane Street in Manhattan. § 87(2)(b) was unable to provide

any further details regarding his specific location and movements throughout the incident besides the aforementioned cross streets. § 87(2)(b) approached and joined the group of civilians protesting behind NYPD barricades, wherein he and the other civilians began arguing with a group of uniformed officers over the barricades, but did not recall any specific words exchanged nor the general substance of their dialogue. While arguing with the group officers over the barricades, § 87(2)(b) observed another group of uniformed officers nearby attempting to move a group of civilians out the street and back behind the barricades on the sidewalk.

While the officers moved the group of civilians back onto the sidewalk, § 87(2)(b) observed an officer “violently” push an unidentified woman to the ground, and continue walking. § 87(2)(b) thought the woman was just outside of the barricades, but could not actually remember, nor could provide any physical description of the officer that pushed the female. § 87(2)(b) approached the woman to help her up off the ground since it did not appear to § 87(2)(b) that she under arrest, being arrested, or saw her “commit [any] crime.”

### **Body-Worn Camera**

In response to its second request, investigation received (92) BWC videos from the involved officers assigned Strategic Response Groups 1, 2, and 3, and the Disorder Control Unit (BR02). The footage, generally, shows numerous civilians congregating on Centre Street, just northeast of the intersection of Duane Street, as numerous officers approach from the south. While the obtained footage captured various aspects of this incident, due to large number of video files, the unknown identity of the female and limited physical description provided by § 87(2)(b) and the lack of specificity with regard to the exact time and location of the alleged force, the footage neither captured the identity of the female civilian, the alleged subject officer, nor the alleged force the female civilian was subject to.

### **NYPD Documents Reviewed**

The investigation obtained and reviewed IAB Log #2020-18034 (BR01), EVENT #§ 87(2)(b) (BR03), TRI #§ 87(2)(b) (BR04), Roll Calls from the 5<sup>th</sup> Precinct (BR06), SRG 1 (BR07), SRG 2 (BR08), and SRG 3 (BR09). However, none of the obtained documentation contains any identifying information for the unidentified female civilian, and notably, none of § 87(2)(b)'s statements to the NYPD, captured in the associated EVENT (BR03), IAB Log (BR01), or TRI (BR04), make any reference to the unidentified female individual, or any force used against her, as he alleged in his statement to the CCRB (BR05).

### **Concurrent Investigations**

IAB Log #2020-18034 (BR01), generated pursuant to § 87(2)(b)'s 911 call on behalf of § 87(2)(b) does not make any reference to the unidentified female individual, or any force used against her, as he alleged in his statement to the CCRB (BR05). Thus, without a pertaining allegation, no concurrent investigations were initiated.

### **Ranking Officers**

Although not listed within their respective commands' Roll Calls (BR07, BR08), Captain Joseph Taylor of SRG 1, and Captain Julio Delgado of SRG 2, were present for this incident. Captain Taylor's presence was attested via his BWC footage of the incident (BR10), wherein Captain Delgado is captured as also being present, therein. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

### **Officers Interviewed**

PO Gonzalez was interviewed (BR11) with regard to this incident (See below under Allegation B). § 87(2)(g)

#### **Allegation Recitation and Disposition**

In his statement to the CCRB, § 87(2)(b) (BR05) stated that, while participating in a Black Lives Matter protest within the vicinity of Centre Street and Duane Street in Manhattan, he observed an officer “violently” push an unidentified woman to the ground. § 87(2)(b) was unable to provide physical descriptions for either the unidentified female individual, or the officer alleged to have used force against her. Additionally, § 87(2)(b) did not raise this allegation on behalf of the unidentified female when he filed this complaint with IAB (BR01), nor when interviewed by Captain Keung as per his statement in the subsequent TRI (BR04). § 87(2)(g)

#### **Allegation B—Force: Police Officer Sandra Gonzalez struck § 87(2)(b) with a baton.**

§ 87(2)(b) stated (BR05) that after the unidentified female was pushed to the ground, he approached her and began to lift her off the ground. As he lifted the unidentified female to her feet, a female officer—whom § 87(2)(b) described as appearing to be a white female, who stood approximately 5’5” tall, had an average build, who wore a blue face mask, and was dressed in uniform—reached over top of another officer in front of her, and struck § 87(2)(b) in the head with her baton. § 87(2)(b) said that after the female officer’s first baton strike “busted [his] head wide open,” causing him to sustain a 5”-6” laceration across the top-center of his forehead, and that she attempted to strike him a second time with her baton but missed. § 87(2)(b) backed up into the crowd of protesting civilians, immediately felt blood trickling down his neck, and shortly thereafter, took himself to § 87(2)(b) in Manhattan for medical treatment. At § 87(2)(b) the laceration to § 87(2)(b)’s forehead was treated with sutures and staples, and he asked a medical staffer to call 911 for him in order to document the occurrence, as filed under IAB Log #2020-18034 (BR01). § 87(2)(b) was interviewed by Sergeant Fernandez and Captain Keung of the 13<sup>th</sup> Precinct at § 87(2)(b) as documented in TRI § 87(2)(b) (BR04) wherein § 87(2)(b) stated that, “a female police officer [struck] him in the head with a baton.” Additionally, Captain Keung noted that § 87(2)(b) was unable to give an exact time of the incident as well as a proper description of the female officer,” and could only describe her as being white female. Captain Keung further noted that he reviewed “Argus cameras for Foley Square and was unable to find proper video of the time period described by the subject.” After receiving medical treatment, § 87(2)(b) was discharged from § 87(2)(b) and returned home.

§ 87(2)(b) informed the undersigned that he recorded the female officer’s use of force with his cell phone, was willing to provide it via email, and agreed to further cooperate with investigation. However, despite exhaustive follow-up attempts to obtain the aforementioned video, additional details, and signed HIPAA forms, § 87(2)(b) did not respond to any of the investigation’s follow-up contact attempts nor provide the alleged cell phone video.

As discussed above (within Allegation A), the investigation received (92) BWC videos from the involved officers assigned Strategic Response Groups 1, 2, and 3, and the Disorder Control Unit (BR02). While the investigation determined that multiple BWC videos capture § 87(2)(b) amongst the group of protesters, based upon his repeatedly voiced complaints about the alleged use of force against him by a female officer (BR12, BR13, BR14, BR15, BR16), none of

the BWC videos directly captured any female officer strike § 87(2)(b) in the head with a baton. However, the BWC footage of Police Officer Anibel Vasquez (**BR21**), between 00:55 and 1:05, shows a female officer in a group of officers, swinging her baton toward a group of individuals, although it does not clearly show where the officer's baton strike landed, if anywhere. At 1:01, of the above referenced clip (**BR21**), the female officer's name patch and shield are partially visible, which appears to read "Gonzalez," and whose shield number appears to begin with the digits "14\_\_." A search of CTS, in combination with officers listed within the BWC receipt, identified PO Gonzalez, shield #14838, of SRG 2 as the potential subject officer. While PO Gonzalez's BWC does not capture the alleged force against § 87(2)(b) or any other civilian, notably, her BWC footage (**BR22**) begins after the point of PO Vasquez's, and the other officers involved who recorded this incident.

On August 17, 2021, PO Gonzalez was interviewed and provided the following statement to the CCRB.

On July 24, 2020, at approximately 10:45 p.m., PO Gonzalez stated (**BR11**) that she and numerous other officers assigned to SRG 1, 2, and 3, were standing in formation lines in the vicinity of Centre Street and Duane Street in Manhattan, in response to protesters standing in the street. PO Gonzalez and the other officers assigned to the detail were tasked with keeping the group of protesters out of the street.

While standing in the line, PO Gonzalez stated that a female individual in the group of protesters threw an unidentified liquid at her and another officer standing next to her. PO Gonzalez did not recall there being any other female officers near her when she was hit with the unidentified liquid. After being hit with the unidentified liquid, PO Gonzalez was ordered to effect the arrest of the female individual by a supervisor, though she was unable to recall which supervisor gave her that order.

As PO Gonzalez pursued the female individual who threw the liquid, they ran into a crowd of about 30 individuals. After two other officers stopped the female who threw the liquid and began to handcuff her, PO Gonzalez stated that the crowd of protesters attempted to "de-arrest the female individual," by swinging at and striking the officers with "anything they had," including skateboards, backpacks, and bicycles. PO Gonzalez and the other officers ordered the civilians to move back and to step away from the female individual.

PO Gonzalez acknowledged that she and the other officers used some force, though she said it was limited to pushing the civilians back, in order to move the hostile crowd away from the female being placed under arrest. PO Gonzalez also acknowledged that she had taken out her baton at the time when she was pushing civilians back, but denied that she struck any civilian with her baton, or witnessed any other officer strike any civilian with their baton during the incident.

PO Gonzalez was provided with narrative details; however, she did not have any independent recollection of using force against a male individual, did not recognize § 87(2)(b) by name, nor recalled any male civilian loudly complaining of being struck in the head by an officer's baton during the incident.

During her interview, at 18:50 (**BR11**), PO Gonzalez was presented with PO Vasquez's BWC clip (**BR21**), wherein officers are seen approaching a marked RMP where numerous civilians are congregating. At the 55-second mark of the video, which shows a female officer holding a baton over her head, PO Gonzalez acknowledged that she recognized that female officer as herself. However, PO Gonzalez did not have any further recollections of the incident after viewing the BWC clip, nor could recall what caused the officers pace to suddenly shift from a walk to a run as seen generally in the BWC videos.

After reviewing the BWC clip, from 00:55 to the 01:05, wherein PO Gonzalez seen raising her baton while in the midst of pushing the civilians back, PO Gonzalez stated (**BR11**) that she did not recall using her baton to strike or push civilians away from the female individual, however, she added that it is a common tactic for officers to use their batons to keep civilians back during arrests or protest situations. PO Gonzalez denied that she struck § 87(2)(b) in the head with her baton

during the incident, and did not witness any other officer strike him in the head with their baton.

The investigation was able to establish that PO Gonzalez was the subject officer in § 87(2)(b)'s complaint, because she generally fit the description provided by § 87(2)(b) was located in the area where the alleged force occurred, identified herself as the officer captured within PO Vasquez's BWC clip raising her baton while in the midst of pushing the civilians back, acknowledged using some force against protesters during the protesters at the time and place of the alleged force.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b)
- PO Gonzalez, a five-year-member-of-service, has had one prior CCRB complaint filed against her, with a total of one allegations, which was not substantiated (see Officer History) § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- This case was not suitable for mediation.
- As of January 3, 2022, neither § 87(2)(b) nor an attorney on his behalf has filed a Notice of Claim with the NYC Comptroller's office with regard to this incident (**BR25**).

- § 87(2)(b)  
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Squad: \_\_\_\_\_ 10 \_\_\_\_\_

Investigator:	_____ Griffin Sherbert _____	_____ Griffin Sherbert _____	_____ 01/24/2022 _____
	Signature	Print Title & Name	Date

Squad Leader:	_____ Eric Rigie _____	_____ IM Eric Rigie _____	_____ 1/24/2022 _____
	Signature	Print Title & Name	Date

Reviewer:	_____ _____	_____ _____	_____ _____
	Signature	Print Title & Name	Date